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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,108	03/17/2004	Gary Alan Williams	4907-002	3224

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LOWE HAUPTMAN & BERNER, LLP  
Suite 310  
1700 Diagonal Road  
Alexandria, VA 22314

EXAMINER
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TARAE, CATHERINE MICHELLE

ART UNIT	PAPER NUMBER
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3623

MAIL DATE	DELIVERY MODE
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03/21/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/802,108

**Applicant(s)**

WILLIAMS, GARY ALAN

**Examiner**

C. Michelle Tarae

**Art Unit**

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. The following is a Non-Final Office Action in response to the communication received on March 17, 2004. Claims 1-18 are now pending in this application.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rebane (U.S. 7,013,285).

As per claim 1, Rebane discloses a method for rating customer demand, the method comprising:

collecting data representing supplier attributes, customers' desires, supplier's ability to deliver the attributes and dollars paid for that delivery through an input (col. 16, lines 57-61; Figures 1a-2b);

storing the collected data to a computer readable media (Figure 3);

processing the data through a processor, comprising:

reducing the attribute set to a manageable number of demand drivers that represent the attributes in terms of customer desires and supplier delivery with pre-scores for each driver (col. 10, lines 44-65; col. 11, lines 19-40; Figure 5a-6b);

creating three identically scaled norms tables from the pre-scores for customer desires, supplier delivery, and dollars paid that calculate an indexed score (col. 18, lines 26-31; Figure 6b; The ratings are indexed into different categories.);

clustering groups of customers using the indexed scores of demand drivers and dollars paid (Figure 6b; Customers are grouped into percentages based on their evaluations of a merchant.);

building and illustrating profiles corresponding to the 3-D customer demand rating through an output (Figure 18; Merchant profiles are built and displayed based on the received customer ratings data.).

While Rebane does disclose generating graphs representing the results of customer ratings, Rebane does not expressly generating the 3-D customer demand rating of each segment based on desires, delivery and dollars. However, providing a graph that is in 3-D form is old and well known in the art. Examiner further submits that the format of the graph used to display the results of customer ratings is mere design choice and does not affect the underlying functionality of how the customer rating data is gathered or calculated. See MPEP §2144.04. At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify Rebane to display the customer ratings data in a 3-D format as a 3-D format provides users with a visual report of merchants' ratings, thereby providing users with merchant evaluations that are easy to discern.

As per claim 2, Rebane discloses wherein inputting data further comprises inputting data representing attributes of a supplier, an industry, a product, a service, an

offering, a program, an event, an emotion, a feeling, a person or any other inanimate or animate object (col. 9, line 60-col. 10, line 5; col. 14, lines 35-45).

As per claim 3, Rebane discloses wherein the customers are identified by demographics, attitudes, behaviors, emotions, purchasing habits, socio-economics and various other unique identifiers (col. 11, lines 55-57; col. 14, lines 35-45).

As per claim 4, Rebane discloses wherein collecting data further comprises customer surveys that are selected from paper surveys, in-person surveys and computer-based surveys (Figures 1a-2b).

Claims 5-18 recite subject matter similar to the limitations already rejected above. Therefore, claims 5-18 are rejected on the same basis as claims 1-4 above.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Case et al. (U.S. 5,734,890) discusses analyzing customer satisfaction;
- Lautzenheiser et al. (U.S. 7,054,827) discusses a survey database;
- Armstrong et al. (U.S. 5,627,973) discusses evaluating business opportunities;  
and
- Shaw (U.S. 6,101,479) discusses fulfilling customer expectations.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Michelle Tarae whose telephone number is 571-272-6727. The examiner can normally be reached Monday – Friday from 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached at 571-272-6729.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 17, 2008

/C. Michelle Tarae/  
Primary Examiner, Art Unit 3623